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20 Attorneys for Plaintiffs

21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF NEVADA**

23 DISH NETWORK L.L.C., ECHOSTAR
24 TECHNOLOGIES L.L.C., and NAGRASTAR
25 LLC,

26 Plaintiffs,

27 v.

28 ANDREW DIMARCO, DAVID DIMARCO,
DIGITAL WAREHOUSE, INC., and DOES 1-
10, each individually and together d/b/a
www.coolsatellite.com and
www.satmonster.com,

Defendants.

Case No. 2:11-CV-01962-RCJ-(PAL)

**STIPULATION FOR ENTRY OF FINAL
JUDGMENT AND PERMANENT
INJUNCTION**

1 Plaintiffs DISH Network L.L.C., EchoStar Technologies L.L.C., and NagraStar LLC
2 (“DISH Network”), and Defendants Andrew DiMarco, David DiMarco, and Digital Warehouse,
3 Inc. (collectively, “Defendants”), respectfully submit this stipulation for entry of final judgment
4 and permanent injunction.

5 DISH Network filed this case on December 7, 2011, alleging that Defendants distribute
6 products which are designed for and primarily of use in circumventing the DISH Network security
7 technology and receiving DISH Network’s encrypted satellite broadcasts of copyrighted television
8 programming without authorization. *See* Dkt. 1, Pls.’ Compl. ¶¶ 30-69. Defendants responded to
9 the complaint on February 8, 2012, denying the allegations made by DISH Network. *See* Dkt. 24,
10 Defs.’ Answer ¶¶ 30-69. The Court entered a preliminary injunction against Defendants on May
11 11, 2012, and ordered the impoundment of certain products. *See* Dkt. 49.

12 The parties now stipulate that final judgment should be entered for DISH Network on
13 Counts I and III of the complaint alleging violations of the Digital Millennium Copyright Act, 17
14 U.S.C. § 1201(a)(1), (a)(2), Counts II and IV alleging violations of the Federal Communications
15 Act, 47 U.S.C. § 605(a), (e)(4), and Count V alleging violations of the Electronic Communications
16 Privacy Act, 18 U.S.C. § 2511(1)(a) and 2520.

17 The parties further stipulate that damages of \$8,690,500 should be awarded to DISH
18 Network. The parties agree that the damages are only imposed against Defendants David DiMarco
19 and Digital Warehouse, Inc. Defendant Andrew DiMarco is not liable for the damages awarded to
20 DISH Network. The parties also stipulate to a permanent injunction against all Defendants.

21 Defendants, by entering into this Stipulation for Entry of Final Judgment and Permanent
22 Injunction, do not admit to any facts alleged which would give rise to any criminal liability.

23 A proposed final judgment and permanent injunction has been submitted.
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1 Dated: October 5, 2012

By: /s/Timothy M. Frank

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Attorneys for Plaintiffs

9 Dated: October 5, 2012

By: /s/Christopher M. Henderson

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Attorneys for Defendant Andrew DiMarco

17 Dated: October 5, 2012

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Attorneys for Defendants David DiMarco and
Digital Warehouse, Inc.

Electronic Signature Consent

Pursuant to Section V.D of the Court's Electronic Filing Procedures, I attest that counsel for Defendants Andrew DiMarco, David DiMarco, and Digital Warehouse, Inc. have consented to the placement of their electronic signature on, and the filing of, this document.

/s/Timothy M. Frank

Timothy M. Frank (*pro hac vice*)

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DISH NETWORK L.L.C., ECHOSTAR
11 TECHNOLOGIES L.L.C., and NAGRASTAR
12 LLC,

13 Plaintiffs,

14 v.

15 ANDREW DIMARCO, DAVID DIMARCO,
16 DIGITAL WAREHOUSE, INC., and DOES 1-
17 10, each individually and together d/b/a
18 *www.coolsatellite.com* and
19 *www.satmonster.com*,
20 Defendants.

Case No. 2:11-CV-01962-RCJ-(PAL)

**FINAL JUDGMENT AND PERMANENT
INJUNCTION AGAINST DEFENDANTS**

21 Having considered the parties' Stipulation for Entry of Final Judgment and Permanent
22 Injunction, the court file in this matter, and the applicable law, the Court approves the stipulation
23 and **ORDERS** as follows:

24 (1) Judgment is entered for DISH Network on Count I and Count III of the complaint
25 alleging violations of the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201(a)(1), (a)(2);
26 Count II and Count IV alleging violations of the Federal Communications Act, 47 U.S.C. §§
27 605(a), (e)(4); and Count V alleging violations of the Electronic Communications Privacy Act,
28 18 U.S.C. §§ 2511(1)(a) and 2520.

1 (2) Defendants David DiMarco and Digital Warehouse, Inc. shall pay damages in the
2 amount of \$8,690,500 to DISH Network. Defendant Andrew DiMarco shall not be liable for this
3 monetary component of the Final Judgment which is specifically adjudged to Defendants David
4 DiMarco and Digital Warehouse, Inc. Further, all Defendants, by entering the Stipulation for
5 Entry of Final Judgment and Permanent Injunction, do not admit to any facts alleged which
6 would give rise to any criminal liability.

7 (3) Defendants Andrew DiMarco, David DiMarco, Digital Warehouse, Inc., and any
8 persons acting in active concert or participation with Defendants, are permanently enjoined from:

9 A. manufacturing, importing, offering to the public, providing, or otherwise
10 trafficking in free-to-air receivers, dongles, modules, software, warranty codes, upgrade codes,
11 and other technologies of use in circumventing DISH Network's security system or intercepting
12 DISH Network's satellite signal;

13 B. circumventing or assisting others in circumventing DISH Network's
14 security system, or otherwise intercepting or assisting others in intercepting DISH Network's
15 satellite signal;

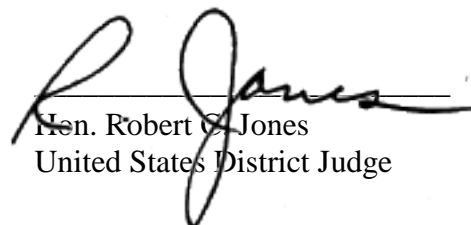
16 C. testing, analyzing, reverse engineering, manipulating, or otherwise
17 extracting codes, data, or information from DISH Network's satellite receivers, smart cards,
18 satellite data stream, or any other part or component of the DISH Network security system.

19 (4) This permanent injunction takes effect immediately.

20 (5) Each party is to bear its own attorney's fees and costs.

21 (6) The Court retains jurisdiction over this action for a period of two years for the
22 purpose of enforcing this final judgment and permanent injunction.

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24 Dated: October 31, 2013

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Hon. Robert G. Jones
United States District Judge